

STATE OF MICHIGAN
IN THE SUPREME COURT

HELEN YONO,

Plaintiff-Appellee,

v

DEPARTMENT OF TRANSPORTATION,

Defendant-Appellant.

Supreme Court Case No. 150364

Court of Appeals Case No. 308968

Court of Claims Case No. 11-000117-MD

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**MOTION FOR LEAVE TO FILE ATTACHED *AMICI CURIAE* BRIEF OF
THE MICHIGAN COUNTY ROAD COMMISSION SELF-INSURANCE
POOL AND COUNTY ROAD ASSOCIATION OF MICHIGAN**

The Michigan County Road Commission Self-Insurance Pool and the County Road Association of Michigan (“CRA”) move for leave to file the attached *amici curiae* brief. The brief offers a discussion of highway engineering design that should assist the Court in deciding whether to grant leave, and it proposes a standard for MCL 691.1402(1) that would permit courts to reliably and logically identify that portion of the improved highway “designed for vehicular travel.”

The Michigan County Road Commission Self-Insurance Pool provides general liability coverage to more than 70 county road commissions in Michigan. The CRA represents the interests and concerns of Michigan’s 83 county road agencies. The CRA works alongside each county road agency to ensure safe and efficient roads for all who travel in Michigan.

County road commissions are responsible for 90,000 *miles* of county roads and, like Appellant Michigan Department of Transportation, may be held liable for injuries resulting from failure to maintain the portion “designed for vehicular travel.” Because the Court of Appeals’ published decision significantly expands their members’ repair and maintenance obligation and exposes them to liability the Legislature never intended, the Pool and CRA have a strong interest in the outcome of this appeal.

Though the application has been pending for some time, the Pool and CRA nevertheless hope that the information provided will prove useful and appreciate the opportunity to propose a workable standard for MCL 691.1402(1).

WHEREFORE, the Pool and CRA respectfully request that the Court grant their motion for leave to file the attached *amici curiae* brief.

Respectfully submitted,

WARNER NORCROSS & JUDD LLP

Dated: April 8, 2015

By /s/ Gaëtan Gerville-Réache

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